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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/613,574 | 07/03/2003 | Takeshi Ootsuka | P/2850-79 | 5446 |
| 2352 | 7590 | 10/13/2005 | EXAMINER | |
| OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403 | | | MACARTHUR, SYLVIA | |
| | | ART UNIT | PAPER NUMBER | |
| | | | 1763 | |
| DATE MAILED: 10/13/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/613,574 | OOTSUKA ET AL. |
| | Examiner | Art Unit |
| | Sylvia R. MacArthur | 1763 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 August 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-7 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 05 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,872,908. Although the conflicting claims are not identical, they are not patentably distinct from each other because the patent claims a susceptor with built-in electrode and manufacturing method therefor. The patent claims a susceptor substrate formed of an aluminum nitride sintered body, an internal electrode formed of an aluminum nitride and tungsten composite body, a power supply terminal provided on the susceptor substrate and supplying power to the internal electrode. In comparison the present invention claims a susceptor base member made of aluminum nitride group sintered member and power supplying terminal made of conductive aluminum nitride tantalum nitride composite sintered member.

3. Claims 1-7 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No. 2003/0071260. Although the conflicting claims are not identical, they are not

patentably distinct from each other because the co-pending application claims a susceptor substrate formed from an aluminum nitride based sintered body, an internal electrode formed from an aluminum nitride and tungsten composite sintered body or an aluminum nitride sintered body is built into the substrate, a power supply terminal is provided on the susceptor and supplies power to the internal electrode. In comparison the present invention claims a susceptor base member made of aluminum nitride group sintered member and power supplying terminal made of conductive aluminum nitride tantalum nitride composite sintered member.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Claims 1-7 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of copending Application No. 2004/0011287.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the co-pending application claims a susceptor base body formed from an aluminum nitride based sintered body, an internal electrode is built into the susceptor, a power supply terminal is provided in the susceptor and supplies power to the internal electrode. In comparison the present invention claims a susceptor base member made of aluminum nitride group sintered member and power supplying terminal made of conductive aluminum nitride tantalum nitride composite sintered member.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Art Unit: 1763

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Inazumachi et al (US 2002/0006678).

Inazumachi et al teaches a susceptor and manufacturing method therfor comprising a built-in electrode type susceptor.

Re Claim 1: The apparatus comprising a susceptor base member 25 [0027] which is made of an aluminum-nitride-group-sintered-member

on one of which surface a plate sample is mounted;

an inner electrode 22 which is built in the susceptor member [0060]; and

a power supplying terminal 4, which is disposed in the susceptor base member so as to be attached to the inner electrode, wherein

the power supplying terminal is made of a conductive aluminum-nitride-tantalum-nitride-composite-sintered-member [0068].

Re Claim 2: An electrode-built-in susceptor according to Claim 1 wherein

the susceptor base member is formed by a mounting plate which is made of a) an aluminum-nitride-group-sintered-member on one of which main surface a plate sample is mounted and a supporting plate 3 which is made of a) an aluminum-nitride-group-sintered-member which is

attached to the mounting plate unitarily, [0090]

Re Claim 3: An electrode-built-in susceptor according to Claim 1 wherein the inner electrode is made of a conductive aluminum-nitride-tantalum-nitride-composite-sintered-member or a conductive aluminum-nitride-tungsten-composite-sintered-member, see [0060], claim of patent.

Re Claim 6: Method for manufacturing an electrode-built-in susceptor

comprising the steps of:

making a mounting plate for mounting a plate sample thereon and a supporting plate for supporting a mounting plate by an aluminum-nitride-group-sintered-member; forming a through hole on the supporting plate; inserting a power supplying terminal which is made of a conductive aluminum-nitride-tantalum-nitride-composite-sintered-member in the through hole so as to fix the power supplying terminal therethrough;

applying a member which contains a conductive powder on a main surface of the supporting plate such that the conductive powder contacts the power supplyng terminal; attaching the mounting plate to the supporting plate via the member which contains the conductive powder;

heating the mounting plate and the supporting plate under a compressed-atmosphere condition so as to form an inner electrode between the supporting plate and the mounting plate unitarily, see [0077] – [0143].

Art Unit: 1763

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sylvia R. MacArthur whose telephone number is 571-272-1438. The examiner can normally be reached on M-F during the core hours of 9 a.m. and 3 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sylvia R MacArthur
Patent Examiner
Art Unit 1763

October 7, 2005